

REMARKS

Claims 11 – 18 have been examined. Claims 11 and 15 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Pat. No. 5,825,003 (“Jennings”) and Claims 12 – 14 and 16 – 18 stand rejected under 35 U.S.C. §103(a) as unpatentable over Jennings in view of the web site:

<http://web.archive.org/web/19991012023035/paypal.com/about.html> (“Paypal”).

The rejections that rely on Paypal are believed improper because Paypal is not prior art to the application. The underlined portion of the web site above is believed to identify a date that it was captured by the Internet Archive Wayback Machine, i.e. on October 12, 1999. As further evidence that this is the date, Exhibit 1 provides a printout of the list of all pages at www.paypal.com captured by the Internet Archive Wayback Machine, the earliest of which is October 12, 1999. The priority date of this application under 35 U.S.C. §120 is May 10, 1999, as evidenced by the copy of the Filing Receipt included as Exhibit 2. To ensure that the correct priority date is considered during prosecution, the specification has been amended to include a specific reference to the priority application. Since Paypal is not prior art, at least Claims 12 – 14 and 16 – 18 are believed to be allowable.

Claim 11 has been amended to recite that the request is received over the Internet in response to and substantially contemporaneous with consummation of a transaction between the sender and recipient (*see* Application, p. 5, ll. 12 – 14 and p. 5, ll. 29 – 31). The combination of limitations in amended Claim 11 is neither taught nor suggested by Jennings, which is directed to a system for transferring funds between accounts in banking systems (Jennings, Col. 2, ll. 38 – 43). In particular, there is no disclosure or suggestion in Jennings of receiving a request for a transfer either over the Internet or in response to consummation of a transaction between the sender and recipient.

The rejection of Claim 15 is respectfully traversed. Claim 15 requires, *inter alia*, that the request include information on a payment instrument (such as a credit card, Application, p. 5, l. 27), that an authorization request to charge the payment instrument be sent, and that an authorization to charge the payment instrument be received. The bank-transfer applications disclosed in Jennings are not associated with a payment instrument and do not require authorization to charge a payment instrument. In making the rejection, the Office Action points to the following language as disclosing "authorization" (Office Action, p. 3):

It is an object of the invention to overcome the shortcomings discussed above with a system for transferring funds instantly to an account maintained in the same or another bank business through the use of a terminal such as an ATM, home banking phone, personal computer, conventional telephone or the like. The system according to the invention allows funds to be transferred to an account based on customer information which can be automatically accessed by the system, rather than needing to be manually entered. Further, the system automatically computes the appropriate exchange rate and any fees to be charged to the account and displays them to the user so that the user may authorize or cancel the transaction. The system also analyzes the parameters of the transfer to assure that the transfer conforms with pertinent government regulations. The system also enables the user to quantify the amount to be transferred in the currency of the originating account or the currency of the receiving account, thereby maximizing the flexibility of the system.
(Jennings, Col. 2, ll. 37 – 56).

This language cited by the Office Action provides no disclosure or suggestion of those limitations related to the payment instrument, including providing no disclosure of sending an authorization request to charge the payment instrument nor any disclosure of receiving an authorization to charge the payment instrument. If any rejection is maintained on the basis of Jennings, Applicants request a specific articulation of what part of Jennings is believed to disclose the limitations related to the payment instrument. 37 CFR 1.104(c)(2).

Claims 19 and 20, depending respectively from Claims 11 and 15, have been added to recite that the recipient is a merchant (*see* Application, p. 5, ll. 8 – 11). They are believed to be allowable at least by virtue of their dependence from allowable independent claims.

Stephen Chin
Application No.: 10/045,313
Page 7


PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,


Patrick M. Boucher
Reg. No. 44,037

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
PMB:pmb
DE 7100884 v1

Enter Web Address: All [Adv. Search](#) [Compare Archiv](#)Searched for <http://www.paypal.com>**391 Results**Note some duplicates are not shown. [See all.](#)

* denotes when site was updated.

Search Results for Jan 01, 1996 - Apr 09, 2003

1996	1997	1998	1999	2000	2001	2002	2003
0 pages	0 pages	0 pages	4 pages	22 pages	109 pages	116 pages	0 pages
		Oct 12, 1999 *	Mar 02, 2000 *	Feb 24, 2001 *	Jan 24, 2002 *		
		Oct 13, 1999	Mar 03, 2000 *	Feb 26, 2001	May 29, 2002 *		
		Nov 04, 1999 *	Mar 03, 2000 *	Mar 01, 2001	May 30, 2002		
		Dec 04, 1999	Mar 04, 2000	Mar 02, 2001	Jun 02, 2002		
			Mar 08, 2000	Mar 08, 2001	Jun 03, 2002		
			Apr 07, 2000	Mar 31, 2001 *	Aug 03, 2002 *		
			Apr 08, 2000	Apr 18, 2001	Aug 04, 2002		
			May 10, 2000	May 04, 2001 *	Aug 05, 2002		
			May 11, 2000	May 15, 2001 *	Aug 06, 2002		
			May 20, 2000 *	May 16, 2001	Aug 07, 2002		
			Jun 19, 2000	May 17, 2001	Aug 08, 2002		
			Jun 20, 2000	May 19, 2001	Aug 09, 2002		
			Jun 21, 2000	May 21, 2001	Aug 10, 2002		
			Jul 06, 2000	May 26, 2001 *	Aug 11, 2002		
			Jul 11, 2000	May 29, 2001	Aug 12, 2002		
			Aug 15, 2000 *	Jun 17, 2001 *	Aug 13, 2002		
			Aug 16, 2000	Jun 18, 2001	Aug 14, 2002		
			Oct 18, 2000	Jun 20, 2001	Aug 15, 2002		
			Oct 18, 2000 *	Jun 22, 2001	Aug 16, 2002		
			Oct 18, 2000 *	Jun 30, 2001	Aug 17, 2002		
			Oct 19, 2000	Jul 08, 2001 *	Aug 18, 2002		
			Nov 09, 2000 *	Jul 12, 2001	Aug 20, 2002		
				Sep 24, 2001 *	Aug 21, 2002		
				Sep 25, 2001	Aug 22, 2002		
				Sep 26, 2001	Aug 23, 2002		
				Sep 27, 2001	Aug 24, 2002		
				Sep 28, 2001	Aug 25, 2002		
				Sep 29, 2001	Aug 26, 2002		
				Sep 30, 2001	Aug 27, 2002		
				Oct 01, 2001	Aug 28, 2002		
				Oct 02, 2001	Aug 29, 2002		
				Oct 03, 2001	Aug 30, 2002		
				Oct 04, 2001	Aug 31, 2002		
				Oct 05, 2001	Sep 01, 2002		
				Oct 06, 2001	Sep 03, 2002		
				Oct 07, 2001	Sep 04, 2002		
				Oct 09, 2001	Sep 05, 2002		
				Oct 10, 2001	Sep 06, 2002 *		
				Oct 11, 2001	Sep 07, 2002 *		
				Oct 12, 2001 *	Sep 08, 2002		
				Oct 13, 2001	Sep 09, 2002		
				Oct 14, 2001	Sep 10, 2002		
				Oct 15, 2001	Sep 11, 2002		
					Sep 13, 2002		

Oct 16, 2001	Sep 14, 2002
Oct 17, 2001	Sep 15, 2002
Oct 18, 2001	Sep 18, 2002
Oct 19, 2001	Sep 19, 2002
Oct 20, 2001 *	Sep 20, 2002
Oct 21, 2001 *	Sep 21, 2002 *
Oct 22, 2001	Sep 22, 2002
Oct 23, 2001	Sep 24, 2002
Oct 24, 2001	Sep 25, 2002
Oct 25, 2001	Sep 27, 2002
Oct 26, 2001 *	Sep 28, 2002
Oct 26, 2001 *	Sep 29, 2002
Oct 27, 2001	Sep 30, 2002
Oct 28, 2001	Oct 01, 2002
Oct 29, 2001	Oct 02, 2002
Oct 30, 2001	Oct 03, 2002
Oct 31, 2001	Oct 04, 2002 *
Nov 01, 2001	Oct 05, 2002 *
Nov 02, 2001	Oct 06, 2002 *
Nov 03, 2001	Oct 07, 2002
Nov 04, 2001	Oct 08, 2002
Nov 05, 2001	Oct 09, 2002
Nov 06, 2001	Oct 10, 2002 *
Nov 07, 2001	Oct 11, 2002 *
Nov 08, 2001	Oct 12, 2002
Nov 09, 2001	Oct 13, 2002
Nov 10, 2001	Oct 14, 2002
Nov 11, 2001	Oct 15, 2002
Nov 12, 2001	Oct 16, 2002
Nov 13, 2001	Oct 17, 2002
Nov 14, 2001	Oct 18, 2002
Nov 15, 2001	Oct 19, 2002
Nov 15, 2001 *	Oct 20, 2002
Nov 16, 2001	Oct 21, 2002
Nov 17, 2001	Oct 22, 2002
Nov 18, 2001	Oct 23, 2002
Nov 19, 2001	Oct 24, 2002
Nov 20, 2001	Oct 25, 2002
Nov 21, 2001	Oct 26, 2002
Nov 22, 2001	Oct 27, 2002
Nov 23, 2001	Oct 28, 2002
Nov 24, 2001	Oct 29, 2002
Nov 25, 2001	Oct 30, 2002
Nov 26, 2001	Oct 31, 2002
Nov 28, 2001	Nov 01, 2002 *
Nov 29, 2001	Nov 02, 2002 *
Nov 29, 2001 *	Nov 03, 2002
Nov 29, 2001 *	Nov 04, 2002
Nov 30, 2001	Nov 05, 2002
Dec 01, 2001	Nov 06, 2002
Dec 02, 2001	Nov 07, 2002
Dec 03, 2001	Nov 08, 2002 *
Dec 04, 2001	Nov 09, 2002 *
Dec 05, 2001	Nov 10, 2002
Dec 06, 2001	Nov 11, 2002
Dec 07, 2001	Nov 12, 2002
Dec 08, 2001	Nov 13, 2002
Dec 09, 2001	Nov 14, 2002
Dec 10, 2001	Nov 15, 2002 *
Dec 11, 2001	

Dec 12, 2001	Nov 16, 2002 *
Dec 13, 2001	Nov 17, 2002
Dec 14, 2001	Nov 18, 2002
Dec 15, 2001	Nov 19, 2002
Dec 16, 2001 *	Nov 20, 2002
Dec 17, 2001	Nov 23, 2002
	Nov 24, 2002
	Nov 25, 2002
	Nov 26, 2002
	Nov 27, 2002
	Nov 29, 2002
	Nov 30, 2002
	Dec 03, 2002

[Home](#) | [Help](#)

[Copyright © 2001, Internet Archive](#) | [Terms of Use](#) | [Privacy Policy](#)